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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMMA C.,

Plaintiff,

v.

DELAINE EASTIN, ET AL.,

Defendant.

3:96-cv-04179-TEH

**SECOND JOINT STIPULATION RE.
AMENDMENT OF DISPUTE
RESOLUTION TIMELINES IN FIFTH
JOINT STATEMENT**

Judge: The Honorable Thelton E.
Henderson

The parties, by and through their attorneys, agreed in their Fifth Joint Statement to a
framework for dispute resolution for challenges to (1) CDE's state-level monitoring system, and

(2) the SESR Findings and Corrective Actions Statement. (Court Docket [CD] 1799.) On April 8, 2013, the parties stipulated to an amended framework to allow for the opportunity for a meaningful exchange of information between the parties and with the hope that the issues could be narrowed and/or resolved during the meet-and-confer period. (CD 1826.) The parties have continued this exchange and now update the stipulation with the following timelines:

A. Dispute Resolution for CDE's State-Level Monitoring System

1. Pursuant to IV.B. and VII.C. of the Fifth Joint Statement, the parties were to engage in a meet-and confer discussion within ten days of plaintiffs' January 25, 2013 submission challenging the adequacy and efficacy of the design of CDE's state-level monitoring system. Due to the volume of plaintiffs' objections and CDE's desire for transparency, the parties agreed to the following framework:

- CDE provided further information about its monitoring system by February 22, 2013.
- After reviewing CDE's response, plaintiffs submitted written comments and additional questions to CDE by March 8, 2013.
- After review of plaintiffs' comments and questions, CDE provided a further written response by March 22, 2013.
- Plaintiffs submitted their final statement of objections to CDE's monitoring system on April 12, 2013.
- CDE provided its final written response to plaintiffs' final statement of objections on May 31, 2013.
- Meet-and-confer discussions will close on July 26, 2013.

2. Pursuant to VII.D. of the Fifth Joint Statement, submission to the Monitor of issues still in dispute was to occur within a week of the expiration of the meet-and-confer period. Although the plaintiffs and CDE have previously submitted comprehensive statements about the issues in dispute, the parties have engaged in further discussions. To accommodate the schedules of the parties and to coordinate the respective submissions that will be due, the parties have agreed that the deadline for this submission to the Monitor is August 26, 2013, the same date as

1 the deadline for submission to the Monitor regarding the SESR Findings and Corrective Actions
2 Statement after the close of meet-and-confer period.

3 3. Pursuant to VII.F. of the Fifth Joint Statement, any party aggrieved by the Monitor's
4 determinations is to seek relief from the Court through filing a motion within fourteen days of the
5 Monitor's determinations. Because of the complexity of the issues at stake and to accommodate
6 the schedules of the parties and the Monitor, the parties have agreed that any motions must be
7 filed within 45 days of the Monitor's determinations.

8 **B. Dispute Resolution for SESR Findings and Corrective Actions Statement**

9 1. Pursuant to II.E. of the Fifth Joint Statement, CDE was to issue the Findings and
10 Corrective Actions Statement by January 31, 2013. CDE issued this statement on February 1,
11 2013.

12 2. Pursuant to V.B. of the Fifth Joint Statement, plaintiffs were to be granted access to
13 District records within seven days of plaintiffs' February 8, 2013 request. To accommodate the
14 schedules of the parties, plaintiffs and the District made these records available for plaintiffs'
15 review beginning on April 11, 2013.

16 3. Pursuant to V.B. of the Fifth Joint Statement, CDE was to provide a written response
17 within seven days of plaintiffs' February 8, 2013 request for evidence relied upon by CDE as a
18 basis for conclusions in the SESR Findings and Corrective Actions Statement. CDE provided
19 this information on March 1, 2013, with a supplemental response (with the CASEMIS data) on
20 March 7, 2013.

21 4. Pursuant to VI.A. of the Fifth Joint Statement, the parties were to state objections to
22 the SESR Findings and Corrective Actions Statement within thirty days of receiving all evidence
23 and student records. The plaintiffs timely submitted their objections on May 10, 2013.

24 5. Pursuant to VI.B. of the Fifth Joint Statement, the parties were to meet and confer
25 within ten days of the submission of plaintiffs' objections. Based on the availability of the
26 parties, the parties began the meet-and-confer discussion on June 7, 2013. In light of CDE's plan
27 to conduct meetings with the District on the week of June 24, 2013 to follow up on the
28

1 implementation of corrective actions, the parties have agreed to extend the deadline for the meet-
2 and-confer period to July 26, 2013.

3 6. Pursuant to VI.C. of the Fifth Joint Statement, the parties are to submit any remaining
4 disputed issues to the Monitor within a week of the close of the meet-and-confer period. To
5 accommodate the schedules of the parties, the parties have agreed to extend the deadline to
6 submit disputed issues to the Monitor to August 26, 2013.

7 7. Pursuant to VI.E. of the Fifth Joint Statement, any party aggrieved by the Monitor's
8 determinations is to seek relief from the Court through filing a motion within fourteen days of the
9 Monitor's determinations. Because of the complexity of the issues at stake and to accommodate
10 the schedules of the parties and the Monitor, the parties have agreed that any motions must be
11 filed within 45 days of the Monitor's determinations.

12 IT IS SO STIPULATED.

13 DISABILITY RIGHTS EDUCATION & DEFENSE FUND, INC.

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17 YOUTH AND EDUCATION LAW PROJECT

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